

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05-10088-MBB

JULIANNE MARIE EVANS
Plaintiff,

VS.

NANTUCKET COMMUNITY SAILING, INC.,
RONAN O'SIOCHRU and DONNCHA KIELY
Defendants.

DEFENDANTS' LIMITED OPPOSITION TO COUNSEL'S
MOTION TO WITHDRAWAL

Now come the defendants, Nantucket Community Sailing, Inc., Ronan O'Siochru, and Donncha Kiely, in the above captioned action, by and through their undersigned counsel, and file their Limited Opposition to Plaintiff's Counsels' Motion to Withdraw.

The defendants submit the following circumstances in support of their Limited Opposition.

Following the Court's ruling on March 16, 2006, defense counsel contacted Jeffrey Miller, Esq. to discuss further the case status, mediation, and the prospect of settlement. Although several telephonic discussions followed, no substantive discussions actually occurred.

On April 13, 2006, Steven Miller, Esq. contacted Thomas J. Muzyka advising that a Motion to Withdraw will be filed

by all present counsel who have appeared in the civil action, except for the Law Firm of Swartz and Swartz now engaged by the plaintiff to further prosecute this matter.

Since the award of costs concerning Dr. Mann's retention has not been satisfied, defense counsel advised that he would have no objection to the withdrawal subject to satisfaction of the outstanding Court Order. In anticipation that successor counsel may not be familiar with the circumstances surrounding the Court's award, defense counsel advised that the defendants' reservation to present counsels' motion needs be addressed and payment received before counsel be allowed to withdraw.

Defense counsel submits that if there is no objection to the satisfaction of the Court's Order and prompt payment is forthcoming, then the defendants have no objection to the withdrawal and the substitution of successor counsel.

WHEREFORE, the defendants pray that counsels' Motion to Withdraw be granted only after the satisfaction of the Court's Order and award concerning the costs involving Dr. Mann.

By their attorneys,

CLINTON & MUZYKA, P.C.,

"/s/Thomas J. Muzyka"

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Dated: April 14, 2006